

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL MICHALSKI,

Plaintiff,

v.

Case No. 17-10307

TROOPER SONSTROM, DETECTIVE
CATES, OFFICERS JOHN DOE 1,
OFFICER JOHN DOE 2, OFFICER JOHN
DOE 3, in their individual and official
capacities; and CITY OF TAYLOR, jointly
and severally,
Defendant.

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiff Michael Michalski recently filed an eleven-count complaint in this court. The first five counts allege violations of 42 U.S.C. § 1983 for the use of excessive force by five law enforcement officers. Counts VI through X allege claims for gross negligence by the same defendants. Count XI alleges violations of 42 U.S.C. § 1983 against the City of Taylor.

Although the counts arising under federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, the allegations presented in Counts VI through X are based solely on state law. The parties to this action are not diverse. Therefore, this court declines to exercise supplemental jurisdiction over Plaintiff's state law claims

to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 382 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

ORDER

It is hereby **ORDERED** that Counts VI, VII, VIII, IX and X are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: February 16, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, February 16, 2017, using the ECF system.

s/William Barkholz
Case Manager